

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 27

January 19, 1995, 12:16 p.m.
Page S-1146 Temp. Record

UNFUNDED MANDATES/Cloture

SUBJECT: Unfunded Mandate Reform Act of 1995 . . . S. 1. Dole motion to close debate.

ACTION: CLOTURE MOTION REJECTED, 54-44

SYNOPSIS: Pertinent votes on this legislation include Nos. 15-26, 28-41, 43-45, and 47-61.

As reported by the Governmental Affairs Committee and the Budget Committee, S. 1, the Unfunded Mandate Reform Act of 1995, will create 2 majority (51-vote) points of order in the Senate. The first will lie against the consideration of a bill or joint resolution reported by an authorizing committee if it contains mandates and if Congressional Budget Office (CBO) cost estimates on those mandates are unavailable. The second point of order will lie against the consideration of a bill, joint resolution, motion, amendment, or conference report that will cause the total cost of unfunded intergovernmental mandates in the legislation to exceed \$50 million.

The committee amendment beginning on page 25, line 11, as modified, would strike the provision that would give the Governmental Affairs Committee in the Senate, and the Committee on Government Reform and Oversight in the House, the authority to make the final determination on whether proposed legislation contains a Federal mandate. It would also strike the provision providing that the levels of Federal mandates for a fiscal year will be determined based on the estimates of the respective budget committees. (The Budget Committee, which considered the bill sequentially in accordance with Budget Act requirements, struck these provisions with this one amendment). As modified, the amendment would insert language to provide that in the Senate, the Presiding Officer will consult with the Committee on Governmental Affairs to the extent practicable on questions concerning whether a mandate exists in a pending matter. It would also add that in the Senate, the levels of Federal mandates for a fiscal year will be determined based on estimates made by the Budget Committee.

The Gorton amendment to the language proposed to be stricken by the committee amendment, as amended (see vote Nos. 23-25), would express the sense of the Senate: that Goals 2000 history standards that were developed before February 1, 1995 should not be approved or certified; that Goals 2000 history standards should not be based on standards developed primarily by the National Center for History in the Schools prior to February 1, 1995; and that any recipient of funds for the development of Goals 2000 history

(See other side)

YEAS (54)			NAYS (44)			NOT VOTING (1)	
Republicans (53 or 100%)	Democrats (1 or 2%)		Republicans (0 or 0%)	Democrats (44 or 98%)		Republicans (0)	Democrats (1)
Abraham	Hutchison	Campbell		Akaka	Hollings		Johnston- ^{2PN}
Ascroft	Inhofe			Baucus	Inouye		
Bennett	Jeffords			Biden	Kennedy		
Bond	Kassebaum			Bingaman	Kerrey		
Brown	Kempthorne			Boxer	Kerry		
Burns	Kyl			Bradley	Kohl		
Chafee	Lott			Breaux	Lautenberg		
Coats	Lugar			Bryan	Leahy		
Cochran	Mack			Bumpers	Levin		
Cohen	McCain			Byrd	Lieberman		
Coverdell	McConnell			Conrad	Mikulski		
Craig	Murkowski			Daschle	Moseley-Braun		
D'Amato	Nickles			Dodd	Moynihan		
DeWine	Packwood			Dorgan	Murray		
Dole	Pressler			Exon	Nunn		
Domenici	Roth			Feingold	Pryor		
Faircloth	Santorum			Feinstein	Reid		
Frist	Shelby			Ford	Robb		
Gorton	Simpson			Glenn	Rockefeller		
Gramm	Smith			Graham	Sarbanes		
Grams	Snowe			Harkin	Simon		
Grassley	Specter			Heflin	Wellstone		
Gregg	Stevens						
Hatch	Thomas						
Hatfield	Thompson						
Helms	Thurmond						
	Warner						

LIVE PAIRS(1):
PRESENT AND
GIVING: RECEIVING:
Pell (PY) Johnston (PN)

EXPLANATION OF ABSENCE:
1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:
AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

standards should have a decent respect for the contributions of western civilization, and United States history, ideas, and institutions, to the increase of freedom and prosperity around the world. Further, it would express the sense of the Senate: that States should not shift costs to local governments, which often leads to property tax increases; that State legislatures should not impose unfunded mandates on local governments without first fully considering those mandates; and that a primary objective of this Act should be to reduce taxes and spending at all levels and to end the practice of shifting costs with little or no benefit to taxpayers. Finally, the amendment would express the sense of the Senate that "the United States Attorney General should fully enforce the law and protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack."

On January 17, 1995, Senator Dole sent to the desk, for himself and others, a motion to close debate on S. 1.

NOTE: The motion to invoke cloture requires a three-fifths majority (60) vote of the Senate to succeed.

Those favoring the motion to invoke cloture contended:

The Senate began debate on this bill one week ago. Ordinarily, noncontroversial amendments are disposed of in the first few seconds of a bill's consideration, but, after a week of debate, the Senate has managed to dispose of only half of those amendments. This pace is too slow to be called even a pace--for all practical purposes, the consideration of this bill has been blocked for one week. Those Senators who speak so eloquently of the tradition of carefully debating and amending bills in the Senate have not followed that tradition this past week. Instead, they appear to be following another tradition, which is the tradition of extended debate. Senators who wish to stall Senate proceedings frequently engage in dilatory tactics such as objecting to routine parliamentary procedures. During such stalls, they often profess a strong desire to move a bill forward, while at the same time they refuse to allow any movement. We are in such a situation currently. The Senate has been squatting on the committee amendments for one week. Senators have spoken at length about all the relevant amendments they believe should be offered to the bill, but they have not offered them.

We patiently allowed this bill to be stalled for several days before moving to invoke cloture two days ago. When we filed that cloture petition, we told our colleagues that we would withdraw it if they were willing to agree to a finite number of amendments to consider to S. 1. No such agreement has been reached, and, as a result of this cloture petition, nearly 130 amendments have now been filed. This number is ridiculously high. Senators who say they are so anxious to debate this bill at length are going to have to become more reasonable or they are going to get exactly what they wish--we filed another cloture petition yesterday, which will ripen on Friday, and we will file another petition tonight, which will ripen Saturday. Those Senators who wish to stay in session and offer amendments will be able to do so--if they do not offer amendments, there will still be votes. Democratic Senators who are looking forward to their party retreat this Friday may thus have to reschedule. If this bill is going to take weeks and weeks of debate, we are simply going to have to lengthen the time that the Senate is in session.

We believe that we have acted with great restraint. No attempt has been made to fill up the amendment tree; on the contrary, we have done everything we can to encourage Senators to offer substantive amendments on the subject of mandates. Our request for a finite list of amendments is in keeping with the normal practices of the Senate--after a week of debate on a bill, it is not at all unusual to agree to a list of 20 or so amendments that remain in order. A list of 130 amendments, though, will not do.

Some observers may be surprised that a bill with such broad bipartisan support is taking so long to pass. They may wonder why Senators who support a bill so strongly seem desirous of using it as a trash can for every legislative initiative that comes to mind. Surely, if Senators are serious about trying to staunch the unjust flow of unfunded mandates from Washington, they will not engage in endless delay. Governors, mayors, and private citizens across the country who suffer every time an unfunded mandate is imposed do not see any advantage to suffer the continued onslaught for weeks on end while Senators quibble over every dot and dash and also wax eloquently on totally extraneous issues. In our opinion, the recent election demonstrated that the American people are in no mood to wait patiently for the Federal Government to reform itself.

After a week of debate, Senators understand what is in this bill and they know their areas of disagreement. Any Senator who is truly for this bill should now vote to invoke cloture, which will make it possible to resolve these disagreements and pass this much-needed bill.

Those opposing the motion to invoke cloture contended:

This cloture vote is a blatant attempt by the majority party to block the minority party's right to offer amendments. It is offensive, and we will oppose it. Those Republican Senators who think that the recent election gave them a mandate to bulldoze the "Contract with America" through the Senate will find that Democratic Senators have quite different notions. Democratic Senators did not run on and were not elected for supporting that document. Further, we think that many Americans who voted for Republicans after looking at the big letters in the "Contract with America" may be surprised and somewhat dismayed to learn the contents of its fine print. Our suspicion is that Republicans do not want a careful examination of S. 1. They do not want the American people to understand fully how it may actually harm them to limit the Federal Government's ability to order mandates. Our duty to our constituents is to do everything in our power to make S. 1 beneficial to them. We cannot do that by passing this bill before we fully understand how it will work, and we certainly cannot do that by limiting our right to debate it and offer amendments. Therefore, in

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order that we may continue to examine the fine print of S. 1, we strongly urge our colleagues to join us in voting against this motion to invoke cloture.